



31 OCT 2006

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In re Application of
NORDHEIM *et al*
U.S. Application No.: 10/527,055
PCT No.: PCT/EP03/09923
Int. Filing Date: 08 September 2003
Priority Date: 13 September 2002
Attorney Docket No.: 26653U
For: METHOD FOR DETECTING
BIOMOLECULES

DECISION

This is a decision on the papers filed 13 September 2006 which are treated as a petition to withdraw the holding of abandonment. No fee is required.

BACKGROUND

On 14 June 2005, a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) was mailed indicating that a new CRF sequence listing diskette was required. Applicants were given two months to respond with extensions available.

On 12 July 2005, applicant purportedly filed a response in the subject application which was accompanied by, *inter alia*, a "Statement for Reasons for not Complying with Requirements for a Sequence Listing." These papers were not located in the file.

On 29 August 2006, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed for failing to respond to the Form PCT/DO/EO/905 mailed 14 June 2005 within the time period set therein.

On 13 September 2006, applicant filed the subject petition along with a copy of the date-stamped postcard receipt for the documents purportedly filed 12 July 2005 and a copy of those documents.

DISCUSSION

Applicants claim that a response to the Form PCT/DO/EO/922 mailed 14 June 2005 was filed in the above-captioned application on 12 July 2005 and the holding of abandonment should be withdrawn. Applicants submitted a copy of a response filed 12

July 2005 along with a date-stamped postcard receipt. However, a review of the papers purportedly filed 12 July 2005 show that the U.S. application number listed on the response is **10/503,261**, not **10/527,055**. (A check of U.S. application No. 10/503,261 verifies that this response was received on 12 July 2005 and is located in U.S. application No. 10/503,261.)

Accordingly, a response to the Form PCT/DO/EO/922 mailed 14 June 2005 was not properly filed in the subject application.

CONCLUSION

In view of the above, the petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

The above-captioned application remains **ABANDONED**.

Applicants may wish to file a petition under 37 CFR 1.182 to attempt to correct the U.S. application number listed on the response filed 12 July 2005. A \$400.00 petition fee would be required. Applicants must also show that the response located in U.S. application No. 10/503,261 was intended as a response in the subject application. Moreover, any petition request **must** be signed by the attorney of record.

This application is being held in the Office of PCT Legal Administration to await a response from applicants.



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